

DIGEST

(cont'd): from office a police chief who refused to comply with a decision.

GOVERNOR'S  
REASONS  
FOR VETO:

This bill might mean that the Chief of Police would be deprived of due process. It is an example of state government telling a city how to run its business. It could lead to the filing of numerous unnecessary grievances.

SPONSOR'S  
VIEW:

Rep. Washington said that rather than allowing the establishment of a grievance procedure to benefit the average policeman, the Governor yielded to the view of the Houston Chief of Police.

NOTES:

For further information on the bill, see the HSG Daily Floor Report of April 13, 1981.

Paying court-appointed counsel  
(HB 1143 by Cain)

DIGEST:

HB 1143 would have established a special state fund, derived from court costs in criminal cases, to reimburse counties for paying the costs of court-appointed counsel for indigent defendants when those costs exceeded 1 percent of a county's annual budget. The state would also pay directly for preparation of trial transcripts on appeal. The fee schedule for reimbursing court-appointed counsel would be revised, and indigents would have to repay at least part of the cost of their defense.

GOVERNOR'S  
REASONS  
FOR VETO:

This bill would create additional costs for non-indigent defendants by raising court fees in all misdemeanor (\$5 increase) and felony (\$10 increase) cases. As dedicated court costs escalate, local officials have reduced discretion to assess appropriate fines since the total cost to the defendant is already high. Also, the cost of state funding for transcripts on appeal has not been adequately determined.

SPONSOR'S  
VIEW:

Representative Cain was "really disappointed" with the Governor's veto since the bill made necessary changes in the indigent defendant representation program. The Governor's arguments contradict his position on other legislation. Although court costs would be increased in order that the state could assist the counties in paying for indigent representation, the Governor has advocated raising court costs to provide new funding for Criminal Justice Division grants. It is odd that a Governor supposedly concerned with getting tough on criminals should

SPONSOR'S  
VIEW

(cont'd): worry about them having to pay a little more when they are convicted. Regarding the cost to the state for transcripts on appeal, the bill includes no actual appropriation for that purpose. The Legislature would have decided how much to appropriate in future biennia to pay for the transcripts of indigent defendants.

NOTES: See SB 12 by Short in this report. The HSG analyses of HB 1143 appeared in the April 28 and May 30, 1981, Daily Floor Reports.

Registration of livestock brands  
(HB 1550 by Patterson)

DIGEST: The bill specified that all livestock brands and marks must be re-registered in 1981, 1990, and every 10 years thereafter. It required that all brands and marks on record with a county clerk as of Jan. 1, 1981, would have to be re-registered by Feb. 28, 1982, in order to remain in effect. To re-register brands, livestock owners must apply between Jan. 1 and May 31 of the "year in which re-registration is required."

GOVERNOR'S  
REASONS

FOR VETO: The livestock industry and county clerks have shown that the provisions for the timing of brand re-registration for 1981 will cause confusion. Other provisions of HB 1550 may be helpful in 10 years when we have another re-registration. For now, we should stay with the current system of re-registration.

SPONSOR'S  
VIEW:

The sponsor agrees that the dates for 1981 brand re-registration were confusing. The deadline for applications to re-register brands should have been Feb. 28, 1982, not May 31, 1981. He intends to clear up the wording with regard to dates and re-submit the bill in the next regular session.

Revising the Open Meetings Law  
(HB 1555 by Adkisson)

DIGEST: HB 1555 would have allowed any person to commence action by mandamus or injunction to stop, prevent, or reverse violations of the Open Meetings Act by members of a governing body. If such action were successful, the person could recover attorney fees and other costs. The bill would have required governmental bodies to prepare minutes of all meetings and to make these available for public inspection. Cases of "emergency and urgent public necessity," when less than 72 hours' notice of the meeting may be given, would have been defined as 'imminent threats to public health and safety and